

REMARKS

In the present amendment, Claims 2-6, 8, 9, and 19 are amended. Support for the amendments to Claims 2-6, 8, 9, and 19 may be found in the specification, for example, at page 4, lines 9-20 and in the claims as originally filed. No new matter is added by way of the amendments.

Claims 1-12, 14-21 were pending in the application, Claim 18 standing withdrawn from consideration. With this amendment Claim 18 is canceled so that Claims 1-12, 14-17, and 19-21 are pending. Claims 1, 7, 10, 12, 14-17, and 20-21 stand allowed in the previous Office Action. Claims 2-6, 8, 9, and 19 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 11 stand objected to under 37 C.F.R. § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants respectfully request the entry of the amendments, which place the claims in better form for appeal, and reconsideration of the Claims 2-6, 8, 9, and 19 in view of the above amendments and the following remarks.

The Rejections to Claims 2-6, 8-9, and 19 under 35 U.S.C. §112 Second Paragraph

Claims 2-6, 8-9 and 19 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "contacting an inner-ear-supporting cell which expresses HER2 and/or HER3 receptors with an effective amount of an isolated ligand which activates HER2 and/or HER3 receptors" while the original forms of Claims 2-6, 8-9 and 19 referred to an "activating ligand." The Examiner stated on page 2, note 1 of the Office Action that there was insufficient antecedent basis for the limitation "the activating ligand." As amended, the term "activating ligand" in Claims 2-6, 8-9 and 19 has been replaced by the term "isolated ligand which activates HER2 and/or HER3 receptors."

Accordingly, Claims 2-6, 8-9, and 19 reciting the language of Claim 1 with respect to the isolated ligand of the claims, applicants believe that the limitations of Claims 2-6, 8-9, and 19 have antecedent basis.

Accordingly, Applicants respectfully submit that the rejections to Claims 2-6, 8-9 and 19 under 35 U.S.C. §112, second paragraph are overcome.

The Objections to Claims 6 and 11 under 37 C.F.R. §1.75(c)

Claims 6 and 11 stand objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As amended, Claim 6 is now an independent claim, and Claim 11 remains dependent from Claim 6, which it further limits by reciting a specific form of recombinant human heregulin.

Accordingly, Applicant respectfully submits that the objections to Claims 6 and 11 are overcome.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims in the present application stand in condition for allowance. Applicant respectfully requests reconsideration and allowance of all claims. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

The above amendments are made without acquiescing to any of the arguments presented by the Examiner, and without prejudice to further prosecution of subject matter not covered by the awarded claims in one or more continuing or divisional applications.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0035 C1.

Respectfully submitted,

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